



Image

01-09-04

1761

EXPRESS MAIL NO. EV322529212US
Attorney Docket No. HAU237
Client/Matter No. 81250.0109.000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Bailey, et al.

Serial No. 10/025,479

Filed: December 19, 2001

For: METHODS OF PREPARING
IMPROVED WATER-SOLUBLE
EXTRACTS CONTAINING
ANTIOXIDANTS AND USES
THEREOF

Group Art Unit: 1761

Examiner: Leslie Wong

CERTIFICATE OF MAILING BY EXPRESS MAIL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement;
2. Return postcard; and
3. Certificate of Mailing By Express Mail

relating to the above application, were deposited as "Express Mail," Mailing Label No., EV322529212US with the U.S. Postal Service, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date _____

Mailer

Date

Sarah O'Rourke, Reg. No. 41,226
HOGAN & HARTSON LLP
1200 17th Street, Suite 1500
Denver, Colorado 80202
(720) 406-5385 Tel
(720) 406-5301 Fax



Express Mail No.
Attorney Docket No. HAU237
Client/Matter No. 81250.0109.000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Bailey, et al.

Serial No.: 10/025,479

Filed: December 19, 2001

Group Art Unit: 1761

Examiner: Leslie Wong

For: METHODS OF PREPARING IMPROVED WATER-SOLUBLE EXTRACTS CONTAINING ANTIOXIDANTS AND USES THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

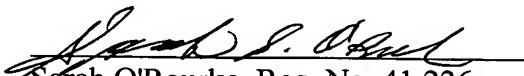
Sir:

In an Office Action dated December 9, 2003, the Examiner stated that the application contains claims directed to the following patentably distinct species: (1) *Acinox, Calamintha, Clinopodium, Glechoma, Hyssopus, Lavandula, Lycopus, Melissa, Mentha, Nepeta, Origanum, Prunella, Rosmarinus, Saliva, Satureja, and Thymus* for the plant biomass, and (2) coffee, salsa, and red wine for the food/beverage product. The Examiner required an election of a single disclosed species for both the plant biomass and the food/beverage product for prosecution on the merits. Currently, claims 1-3, 8-13, 15, 18-23, 26 and 28 are generic.

An election is made without traverse to prosecute the species *Rosamarinus* for the plant biomass and the species coffee for the food/beverage product for prosecution on the merits. Claims 1-3, and 6-29 read on the elected species.

Respectfully submitted,

Jan 8, 2004
Dated


Sarah O'Rourke, Reg. No. 41,226
HOGAN & HARTSON, L.L.P.
1200 Seventeenth Street, Suite 1500
Denver, CO 80202
Telephone: (720) 406-5385
Facsimile: (720) 406-5301